

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

MELINDA SCOTT,

Appellant,

v.

WISE COUNTY DEPARTMENT OF
SOCIAL SERVICES, *et al.*,

Appellees.

4th Cir. Case No. 21-2006

Va. W.D. Case No. 2:20-cv-14

**JOSHUA MOON’S
MOTION TO STRIKE
APPELLANT’S “REPLY TO
MOTION FOR ATTORNEY’S FEES”**

NOW COMES Defendant/Appellee Joshua Moon, by counsel, and moves to strike the Appellant’s “Reply to Joshua Moon’s Motion for Attorney’s Fees.” In support of this Motion, Mr. Moon states as follows:

1. To say that Ms. Scott’s Reply Brief is full of scandalous, salacious, and vile accusations would put it charitably. Appellant calls undersigned counsel a “liar” or accuses him of “lies” on over a dozen separate occasions. Ms. Scott accuses the entire judiciary of Southwest Virginia (both state and federal judges, and apparently also their clerks) of corruption. Perhaps worst of all, the Appellant uses a brief that ought to contain arguments related to whether

this appeal is frivolous within the meaning of Fed. R. App. P. 38 to accuse Mr. Moon of involvement with or attempted promotion of pedophilia.

2. But this is a case ostensibly about emotional distress, and none of the Plaintiff's scandalous accusations are relevant in this matter. This irrelevance is apparent even leaving aside the recklessness of the underlying accusations, the Appellant's failure to in any way support such vile allegations with a citation to the record of this case, and the lack of any evidence whatsoever (whether or not admissible) to support such vitriolic charges. This Court simply cannot consider the wild claims Ms. Scott raises.
3. Striking a brief that contains scandalous material unrelated to a claim is the proper remedy. For example, in *Arunachalam v. IBM*, 989 F.3d 988 (Fed. Cir. 2021), the Appellant filed a brief "replete with scandalous and baseless allegations similar to those she made below, all presented without a semblance of factual support." *Id.* at 999. The "scandalous and unsupported statements [we]re largely irrelevant to the issues on appeal" and were ultimately stricken under the Court's inherent power.
4. If anything, the Appellant's brief in this case is even more scandalous and unsupported than the pro se Appellant's brief in *Arunachalam*. In that case, the Appellant accused judges and counsel of treason and fraud. In this case, Plaintiff makes essentially the same type of unsupported accusations of

judicial fraud and corruption, but then continues to baselessly accuse a party of some sort of conspiracy to commit or involvement with sexual crimes against children.

5. This Court cannot tolerate the type of behavior the Plaintiff has put on display in her Reply brief. It should strike the brief in its entirety, or alternatively strike the scandalous statements contained in it.

WHEREFORE, Appellee Joshua Moon respectfully requests that this Court strike the Appellant's "Reply to Joshua Moon's Motion for Attorney's Fees."

Respectfully submitted this the 22nd day of November, 2021,

JOSHUA MOON

By Counsel:

/s/Matthew D. Hardin

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Certificate of Service

I hereby certify that I will file a true and correct copy of the foregoing document with the Court's CM/ECF system, which will electronically serve counsel of record. I have also deposited a true and correct copy of the foregoing document into the U.S. Mail, with First Class postage prepaid, directed to:

Melinda Scott
2014PMB87
Post Office Box 1133
Richmond, VA 23218

Dated: November 22, 2021

/s/Matthew D. Hardin
Matthew D. Hardin
Counsel for Joshua Moon

Certificate of Compliance

I hereby certify, pursuant to Fed. R. App. P. 32 (g), that this Reply complies with the type volume limitation. It is, exclusive of the items listed in Fed. R. App. P. 32 (f), 432 words in length. I have relied upon Microsoft Word's word processor to establish that count.

Dated: November 22, 2021

/s/Matthew D. Hardin
Matthew D. Hardin
Counsel for Joshua Moon